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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,791	03/08/2007	Anton Orlitzky	1036832	2967

27111 7590 08/24/2010  
GORDON & REES LLP  
101 WEST BROADWAY  
SUITE 1600  
SAN DIEGO, CA 92101

EXAMINER
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REESE, ROBERT T

ART UNIT	PAPER NUMBER
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3654

NOTIFICATION DATE	DELIVERY MODE
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08/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@gordonrees.com  
cworthem@gordonrees.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,791	<b>Applicant(s)</b> ORLITZKY ET AL.	
	<b>Examiner</b> ROBERT T. REESE	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/2006, 5/21/2010, 7/19/2010, 7/22/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-15, as originally filed, are currently pending and considered below.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson (2,852,098).

As per claim 1, Benson discloses: a reusable fluid dispenser (Depicted in figure 2) comprising: a) subsystem B (12) having a fluid reservoir (10) adapted for containing a fluid, the fluid reservoir comprising: (i) a fluid outlet (depicted in Figure 2) adapted for dispensing fluid contained in the fluid reservoir; (ii) a separator (11a) movably positioned in a dispensing position to bias fluid contained in the fluid reservoir out of the fluid outlet, to dispense the fluid through the fluid outlet; (iii) a fluid inlet (15) positioned for recharging the fluid reservoir with the fluid while biasing the separator into the dispensing position; and b) subsystem A having a power head assembly (13) removably attached to the fluid reservoir comprising a gas generator (14) in fluid communication with the separator (depicted in figure 2), wherein gas generated by the gas generator (gas from the evaporation of 20) is communicable to the separator to move the separator to dispense the fluid.

As per claim 2, Benson discloses: said fluid inlet comprises a one-way fluid fitting (Column 2, lines 1-6).

As per claim 3, Benson discloses: said separator is capable of preventing gas from moving into said reservoir (depicted in Figure 2).

As per claim 4, Benson discloses: a union seal couples subsystem A to subsystem B (Interface between 12 and 13, depicted in Figure 2) so as to limit escape of the gas generated by the gas generator in communication with the separator, to form a sealed union of subsystem A with subsystem B.

As per claim 5, Benson discloses: said gas generating means (Evaporant 5 from 20) is capable of generating gas by a gas generating reaction selected from the group consisting of a spontaneous electrochemical reaction, a non-spontaneous electrochemical reaction, and a spontaneous thermochemical reaction (Evaporation, or volatilization, is a thermochemical reaction - Column 1, lines 46-61).

As per claim 6, Benson discloses: said gas generating reaction is spontaneous (the evaporation will occur spontaneously in the presence of heat).

As per claim 7, Benson discloses: the rate of said gas generating reaction is adjustable (The evaporation rate can be regulated by the amount of heat available).

As per claim 8, Benson discloses: the fluid is a lubricant (Column 1, line 46).

As per claim 9, Benson discloses that the lubricant is bearing grease (Column 1, line 25).

As per claim 10, Benson discloses that the lubricant is oil (The reference to lubricant in column 1, line 46, is construed to include lubricating oil).

As per claims 11 and 12, Benson discloses that said separator is a bellows (11a) and piston (depicted in Figure 2).

As per claims 13 and 15, Benson discloses that the fluid (10) is replaceable (through valve 15).

As per claim 14, Benson discloses that the power head assembly (13) is replaceable (since element 13 is attached to element 12 by means of screws 19, it would be a replaceable component).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT T. REESE whose telephone number is (571) 270-5794. The examiner can normally be reached on M\_F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3654

RTR